

sembly enact a law taking this question out of the realm of controversy.

The Auditing Committee makes the following finding as to other employees:

"We further find that during the past two years the Keeper of the Capitol has employed five more persons upon his weekly pay roll than allowed by the act of the General Assembly of 1907."

This committee understands that these employees are janitors for Adjutant General, for the Commissioner of Labor and Printing, the Commissioner of Insurance, the Attorney-General and the Supreme Court building. The janitors for the Adjutant General and Commissioner of Labor and Printing were especially provided for by chapter 989 of Public Laws of 1907. The janitors for the Insurance Department and for the Attorney-General were appointed under authority of section 5006 of the Revisal and after a ruling of the Attorney-General. (See pages 162-163 of his biennial report for 1907-'08.) The other janitor, being the extra janitor for the Supreme Court, was provided for by chapter 306, Laws of 1893, and continued to draw his pay under that act until 1905, after the adoption of the Revisal, since which time this janitor has been allowed the Supreme Court by the Board of Public Buildings and Grounds.

The Auditing Committee refuse to approve voucher No. 46049, issued to T. B. Womack, Esq., for \$250, and say in their report that Mr. Womack appeared for defendant in the "Nalle" case, tried in the Superior Court of Wake County. This is an erroneous finding of fact, as Mr. Womack in that case appeared for the State by virtue of his employment by the Governor. We further find that this was a case where the State was interested. The defendant, an attendant in the Insane Asylum at Raleigh, was charged with the murder of an unfortunate inmate of the said asylum by cruel and brutal treatment, and incidentally the conduct of the institution was involved. Our finding is that in this case the Governor was fully authorized by law to employ counsel in the case, and in so doing was actuated by a desire to protect the unfortunate of the State in the care of its institution. We think it was eminently wise for the Governor in this manner to have shown to the people and all attendants in such institutions that the State would not tolerate mistreatment of the unfortunate inmates, but would prosecute with the utmost vigor all persons guilty thereof.

The Auditing Committee disapproved voucher No. 49926, to W. M. Bond, and No. 49927, to H. S. Ward, upon the ground that it was "unable to find any law which justifies the issuance of these warrants," and because it failed "to see that the State had any interest, direct or remote, in the above-entitled case," referring to *Daniel v. Homer*, in which said attorneys appeared for the State. This case involved the validity of chapter 292, Public Laws of 1905, by which it was made unlawful and indictable to fish with nets in certain sec-